

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlo Vescovi	Team: Squad #14	CCRB Case #: 202107688	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/17/2021 9:50 PM	Location of Incident: § 87(2)(b)	18 Mo. SOL 6/17/2023	Precinct: 75		
Date/Time CV Reported Sat, 12/18/2021 8:09 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 12/18/2021 8:09 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Kimberley Bove	01998	931555	075 PCT
2. PO Matthew Bessen	14934	967774	075 PCT
3. PO Alfredo Vallegonzalez	26408	965589	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Jianyue Guo	06222	934979	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Matthew Bessen	Abuse: Police Officer Matthew Bessen entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B . PO Matthew Bessen	Abuse: Police Officer Matthew Bessen entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C . PO Alfredo Vallegonzalez	Force: Police Officer Alfredo Vallegonzalez used physical force against § 87(2)(b)	§ 87(2)(b)
D . PO Matthew Bessen	Force: Police Officer Matthew Bessen used physical force against § 87(2)(b)	§ 87(2)(b)
E . PO Alfredo Vallegonzalez	Abuse: Police Officer Alfredo Vallegonzalez threatened to arrest § 87(2)(b)	§ 87(2)(b)
F . PO Matthew Bessen	Abuse: Police Officer Matthew Bessen threatened to damage § 87(2)(b) property.	§ 87(2)(b)
G . PO Matthew Bessen	Abuse: Police Officer Matthew Bessen searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
H . PO Alfredo Vallegonzalez	Abuse: Police Officer Alfredo Vallegonzalez searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
I . SGT Kimberley Bove	Abuse: Sergeant Kimberley Bove searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
J . SGT Kimberley Bove	Abuse: Sergeant Kimberley Bove failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
K . PO Matthew Bessen	Abuse: Police Officer Matthew Bessen failed to provide § 87(2)(b) with a business card.	
L . PO Alfredo Vallegonzalez	Abuse: Police Officer Alfredo Vallegonzalez failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On December 18th, 2021, § 87(2)(b) filed the following complaint with the CCRB on behalf of herself and her boyfriend, § 87(2)(b) via online website. On December 20th, 2021, § 87(2)(b) filed a duplicate of this complaint with the CCRB via the Call Processing System.

On December 17th, 2021, at approximately 9:50pm, § 87(2)(b) and her four children § 87(2)(b) and § 87(2)(b) ages three, four, seven, and nine, respectively, were at § 87(2)(b) home located at § 87(2)(b) in Brooklyn. § 87(2)(b) called 911 and alleged that § 87(2)(b) stole property, including a laptop and an iPad, from his apartment in Queens. Police Officers Matthew Bessen and Alfredo Vallegonzalez, both of the 75th Precinct, responded to the location and met § 87(2)(b) outside the building and PO Bessen knocked on § 87(2)(b) door. When § 87(2)(b) opened the door, PO Bessen placed his foot in the threshold of § 87(2)(b) apartment door frame, which prevented her from closing the door (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) then slammed the door closed. PO Bessen knocked again, and after a few minutes § 87(2)(b) reopened the door and PO Bessen forced entry into the apartment by pushing the door open (**Allegation B: Abuse of Authority**, § 87(2)(g) § 87(2)(b).

PO Vallegonzalez followed PO Bessen into the apartment, and both officers grabbed § 87(2)(b) to handcuff her. PO Bessen and PO Vallegonzalez allegedly pushed § 87(2)(b) into a wall in her apartment (**Allegation C, Allegation D: Force**, § 87(2)(g) § 87(2)(b) PO Vallegonzalez allegedly told § 87(2)(b) that if § 87(2)(b) did not stop talking, PO Vallegonzalez would arrest him (**Allegation E: Abuse of Authority**, § 87(2)(g) § 87(2)(b) PO Bessen told § 87(2)(b) “Now I have to get a unit here to take down your door,” (**Allegation F: Abuse of Authority**, § 87(2)(g) § 87(2)(b) PO Bessen and PO Vallegonzalez walked to the back room of § 87(2)(b) apartment and recovered § 87(2)(b) belongings from the fire escape (**Allegation G, Allegation H: Abuse of Authority**, § 87(2)(g) § 87(2)(b) Sergeant Kimberly Bove and PO Jianyue Guo, also of the 75th Precinct, arrived on scene for assistance. After speaking with § 87(2)(b) about § 87(2)(b) children, Sergeant Bove opened § 87(2)(b) refrigerator and looked inside (**Allegation I: Abuse of Authority**, § 87(2)(g) § 87(2)(b) As § 87(2)(b) did not wish to press charges against § 87(2)(b) all officers left the incident location. PO Bessen, PO Vallegonzalez, and Sergeant Bove failed to provide a business card to § 87(2)(b) (**Allegations J-L: Abuse of Authority**, § 87(2)(g) § 87(2)(g), § 87(4-b) § 87(2)(b).

No arrests or summonses resulted from this incident.

BWC footage for this incident was received from PO Bessen, PO Vallegonzalez, PO Guo, and Sergeant Bove, the relevant aspects of which are addressed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Matthew Bessen entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Matthew Bessen entered § 87(2)(b) in Brooklyn.

Allegation (G) Abuse of Authority: Police Officer Matthew Bessen searched § 87(2)(b) in Brooklyn.

Allegation (H) Abuse of Authority: Police Officer Alfredo Vallegonzalez searched § 87(2)(b) in Brooklyn.

The investigation established the following facts. On December 17th, 2021, § 87(2)(b) called 911 (BR 01) and requested officers to § 87(2)(b) home at § 87(2)(b) in Brooklyn. PO Bessen and PO Vallegonzalez responded to the location and met § 87(2)(b) outside the building. § 87(2)(b) alleged that earlier in the day, § 87(2)(b) stole his iPad and laptop from his home and removed them to the

incident location. PO Bessen, PO Vallegonzalez, and § 87(2)(b) entered the building and walked to § 87(2)(b) apartment door. PO Bessen knocked on the door and § 87(2)(b) opened it, at which point PO Bessen put his foot in the door frame such that § 87(2)(b) could not close it. PO Bessen explained § 87(2)(b) allegations and asked § 87(2)(b) if he could come inside, at which point § 87(2)(b) told PO Bessen that § 87(2)(b) belongings were not in the apartment. § 87(2)(b) asked to get dressed and PO Bessen agreed but told § 87(2)(b) the apartment door had to stay open. § 87(2)(b) then pushed her apartment door closed forcefully. PO Bessen banged on § 87(2)(b) door and requested she open it. After two minutes, § 87(2)(b) opened her apartment door a second time, and PO Bessen pushed the door open and forced his way into her apartment. PO Vallegonzalez followed behind.

§ 87(2)(b) testified (BR 02) that PO Bessen put his foot in the threshold of her door to prevent her from closing it. After she opened the door a second time, PO Bessen forced his way into the apartment by putting his bodyweight against the door and pushing it open. At no point did § 87(2)(b) ever provide consent for PO Bessen to enter the apartment. After PO Bessen and PO Vallegonzalez entered her apartment, PO Bessen asked her where § 87(2)(b) belongings were located. § 87(2)(b) told her that § 87(2)(b) bag was in the back room of her apartment. PO Bessen and PO Vallegonzalez escorted § 87(2)(b) to the back room, where she showed them § 87(2)(b) bag on the fire escape.

§ 87(2)(b) testified (BR 03) that he was in the building hallway while PO Bessen spoke with § 87(2)(b). PO Bessen placed his foot in the threshold of § 87(2)(b) door to prevent her from closing it. After § 87(2)(b) opened her door a second time, PO Bessen forced the door open and entered the apartment.

PO Bessen testified (BR 04) that he put his foot in the threshold of § 87(2)(b) door frame because it prevented § 87(2)(b) from closing her apartment door. PO Bessen did not want § 87(2)(b) to close her door because he was concerned that she would not reopen it. PO Bessen testified that he forcibly entered the apartment because he had probable cause, described as § 87(2)(b) verbal allegations of property theft, to arrest § 87(2)(b) in regard. At no point did § 87(2)(b) provide consent for PO Bessen to enter the home. PO Bessen had no reason to believe that § 87(2)(b) was a threat to herself or others at the time he entered the apartment. After entering the apartment, § 87(2)(b) at first denied possession of § 87(2)(b) belongings. Eventually, § 87(2)(b) relented, and PO Bessen and PO Vallegonzalez walked § 87(2)(b) to a back room of the apartment, where § 87(2)(b) bag was recovered on the fire escape.

PO Vallegonzalez testified (BR 05) that he entered § 87(2)(b) apartment because he had probable cause to arrest her for § 87(2)(b) allegations of property theft. After entering the apartment, § 87(2)(b) eventually told PO Bessen and PO Vallegonzalez that the bag was in a back room of the apartment. PO Bessen, PO Vallegonzalez, and § 87(2)(b) all walked to the back room, where § 87(2)(b) belongings were recovered from the fire escape.

PO Vallegonzalez's BWC footage (BR 06) captures PO Bessen knock on § 87(2)(b) apartment door at 4:18 on the player timestamp. At 4:50, § 87(2)(b) opens the door. Because of the camera angle from PO Vallegonzalez's chest, the BWC footage does not capture PO Bessen's foot in the threshold of § 87(2)(b) door frame. From 4:50 to 6:53 on the player timestamp, § 87(2)(b) is speaking with PO Bessen from inside her apartment. At 6:54, § 87(2)(b) states she needs to close her door in order to put clothes on, and PO Bessen is captured stating, "The door is going to stay open." At 6:57, PO Vallegonzalez's footage captures PO Bessen leaned fully against § 87(2)(b) door attempting to keep the door open. His foot is captured near but not inside the threshold of § 87(2)(b) door. § 87(2)(b) successfully closes her apartment door. From 7:00 to 8:50 on the player timestamp, PO Bessen repeatedly knocks on § 87(2)(b) apartment door and instructs her to open it. At 8:50, § 87(2)(b) opens the apartment door a second time and PO Bessen slams both of his open palms against the apartment door and forcefully pushes it open. Both PO Bessen and PO Vallegonzalez enter the apartment seconds later. At 16:22, PO Bessen and PO

Vallegonzalez are captured escorting § 87(2)(b) to the rearmost room of her apartment, where they recover § 87(2)(b) belongings from the fire escape.

Per Payton v. New York, 445 US 573 (BR 07), the warrantless entry of a man's house in order to arrest him is unreasonable in the absence of some one of a number of well-defined exigent circumstances, including hot pursuit, emergencies, certain dangerous situations, and consent.

While not explicitly captured on PO Vallegonzalez's BWC footage, PO Bessen and § 87(2)(b) testimony are consistent that PO Bessen put his foot across the threshold of § 87(2)(b) front apartment door to prevent her from closing the door. § 87(2)(g) PO Bessen testified he put his foot in the threshold as a tactical measure to prevent § 87(2)(b) from closing the door, out of a fear that § 87(2)(b) would not reopen the door if she were able to close it. § 87(2)(g)

§ 87(2)(b) The only crime alleged by § 87(2)(b) was a property crime, and nothing about PO Bessen's testimony or PO Vallegonzalez's BWC footage indicates that § 87(2)(b) was a threat to herself or others or that there was any emergency at hand inside the residence. § 87(2)(g)

It is undisputed that after § 87(2)(b) opened her apartment door a second time, PO Bessen forced entry into the home by pushing the door open. § 87(2)(g) PO Bessen and PO Vallegonzalez were consistent in that they entered § 87(2)(b) apartment at this point because they had probable cause to arrest § 87(2)(b). As PO Bessen testified he had no reason to believe that § 87(2)(b) was a threat to herself or others, and as § 87(2)(b) allegations amount to a property crime, the situation was not an emergency nor exigency. It is undisputed that after handcuffing § 87(2)(b) PO Bessen and PO Vallegonzalez led § 87(2)(b) to a back room of her apartment, whereupon they discovered § 87(2)(b) bag. § 87(2)(g) § 87(2)(g)

Allegation (C) Force: Police Officer Alfredo Vallegonzalez used physical force against

§ 87(2)(b)

Allegation (D) Force: Police Officer Matthew Bessen used physical force against § 87(2)(b)

§ 87(2)(b) testified that after PO Bessen forced entry into her home, PO Vallegonzalez followed PO Bessen into the apartment. PO Bessen and PO Vallegonzalez grabbed § 87(2)(b) by her arms and pulled them behind § 87(2)(b) back. § 87(2)(b) was forced into a wall located opposite of the front door of her apartment as PO Bessen and PO Vallegonzalez pulled her arms behind her. § 87(2)(b) was not physically resistant during this time. After a moment, PO Bessen and PO Vallegonzalez handcuffed her successfully.

§ 87(2)(b) testified that after PO Bessen and PO Vallegonzalez entered § 87(2)(b) apartment, they both rushed towards § 87(2)(b) each grabbing one of § 87(2)(b) hands. § 87(2)(b) attempted to remain standing, and PO Bessen and PO Vallegonzalez forcibly took § 87(2)(b) to the ground.

A request to the NYPD CCRB Liaison Unit for a Threat, Resistance, and Injury report for this incident yielded negative results (BR 08).

PO Bessen testified that after entering the apartment, he and PO Vallegonzalez each took hold of one of § 87(2)(b) arms. § 87(2)(b) was flailing her arms and moving her body forward, preventing officers from handcuffing her. After a few seconds of struggling, § 87(2)(b) dropped her weight and thus ended up partially on the ground. PO Bessen and PO Vallegonzalez managed to get § 87(2)(b) handcuffed successfully. PO Bessen did not testify to any additional levels of force used against § 87(2)(b)

PO Vallegonzalez testified that after PO Bessen forced entry into § 87(2)(b) apartment, he and PO Bessen placed her in handcuffs. § 87(2)(b) flailed her arms and pulled away from officers, and at one point dropped her weight, which caused her to fall to the ground. After a few moments, PO Bessen and PO Vallegonzalez were able to place her in handcuffs. PO Vallegonzalez did not use any force during this portion of the incident.

This portion of the incident is best captured on PO Vallegonzalez's BWC (BR 06), from 8:53 to 9:38 on the player timestamp. At 8:53, PO Bessen forces his way into the home and § 87(2)(b) steps back away from the door. PO Bessen grabs § 87(2)(b) left arm and PO Vallegonzalez grabs her right arm. From 9:01 to 9:11, the footage captures § 87(2)(b) manipulating her arms so that PO Bessen and PO Vallegonzalez are unable to handcuff her right away. All three parties are near the wall at this point in the encounter, with § 87(2)(b) approximately three inches from the wall. From 9:07 to 9:11, the footage is slightly obscured due to the close contact and positioning of PO Vallegonzalez's BWC in relation to his outstretched arms. When the footage becomes clear again at 9:11, § 87(2)(b) is not making any contact with the wall. At 9:16, § 87(2)(b) drops to her knees and is sitting cross-legged on the floor. After 10 seconds, § 87(2)(b) is back on her feet and PO Bessen and PO Vallegonzalez continue to hold her arms attempting to handcuff her. At 9:38, PO Vallegonzalez and PO Bessen successfully handcuff § 87(2)(b). While parts of the struggle unfold near a wall, the video does not capture either PO Bessen or PO Vallegonzalez pushing § 87(2)(b) into the wall.

§ 87(2)(b) testimony that she was not resisting arrest was inconsistent with PO Vallegonzalez and PO Bessen's testimony that § 87(2)(b) was flailing her arms and moving away from the officers as they attempted to handcuff her. PO Bessen and PO Vallegonzalez's testimony is largely consistent with their own BWC, which captured § 87(2)(b) manipulating her arms to prevent PO Bessen and PO Vallegonzalez from handcuffing her. PO Bessen, PO Vallegonzalez, and § 87(2)(b) were consistent that § 87(2)(b) was on the ground during this struggle, though PO Bessen and PO Vallegonzalez attributed her positioning to § 87(2)(b) dropping her own weight. While § 87(2)(b) testified that officers pushed her into a wall inside her apartment, this was not clearly captured on either PO Vallegonzalez or PO Bessen's BWC footage, nor corroborated by any TRI report, and both officers denied using force during the handcuffing process. While there is a brief period of four seconds in which the footage is not completely clear, when the video focuses again, § 87(2)(b) is clearly not making contact with the wall. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Alfredo Vallegonzalez threatened to arrest

§ 87(2)(b) testified that after officers successfully handcuffed § 87(2)(b) PO Bessen and PO Vallegonzalez repeatedly asked § 87(2)(b) where § 87(2)(b) belongings were. § 87(2)(b) spoke with § 87(2)(b) asking her to reveal the location of his laptop and iPad. PO Vallegonzalez told § 87(2)(b) that he needed to shut up or else he would be arrested.

PO Vallegonzalez's actions during this portion of the incident are captured on his BWC footage from 9:38 to 10:16 on the player timestamp. PO Vallegonzalez tells § 87(2)(b) that he needs to leave the apartment and tells him to back up. At no point on the footage is PO Vallegonzalez captured telling § 87(2)(b) that he needed to shut up or he would be arrested.

§ 87(2)(b) testimony that PO Vallegonzalez threatened him with arrest

because he would not stop talking is inconsistent with PO Vallegonzalez's BWC footage, which did not capture him making such a remark or any similar threat. § 87(2)(g)

Allegation (F) Abuse of Authority: Police Officer Matthew Bessen threatened to damage § 87(2)(b) property.

§ 87(2)(b) testified that after she shut the door the first time, PO Bessen banged on the door and requested she open it. After § 87(2)(b) did not open the door, PO Bessen told her that she needed to open the door or PO Bessen would take it off the hinges.

PO Bessen's remarks in the building hallway between the first and second time § 87(2)(b) opens her door are captured on PO Bessen's BWC footage (BR 09) from 7:00 to 8:56 on the player timestamp. At no point is PO Bessen captured telling § 87(2)(b) that he was going to take the door off the hinges, or threatening property damage of any kind. However, after PO Bessen gained entry to § 87(2)(b) apartment and she is in handcuffs, PO Bessen is captured stating, "When you slam the door on my fingers – I don't care if your kids are here. You put myself in harm. Now I have to get a unit here to take down your door in front of your kids" (13:34).

PO Bessen testified he made this remark because when an individual has barricaded themselves inside a home and officers need to make entry, ESU needs to be called because they have the tools and experience to safely enter someone's home. Had § 87(2)(b) not re-opened the door, PO Bessen would have had to call a supervisor and explain the situation, but he is not aware if ESU would have forced entry into § 87(2)(b) home.

Per Payton v. New York, 445 US 573, the warrantless entry of a man's house in order to arrest him is unreasonable in the absence of some one of a number of well-defined exigent circumstances, including hot pursuit, emergencies, certain dangerous situations, and consent.

§ 87(2)(b) testimony that PO Bessen threatened to remove the door from the hinges is inconsistent with PO Bessen's BWC footage, which did not capture him making this exact remark. However, PO Bessen's BWC footage did capture him tell § 87(2)(b) that he would call additional officers to the scene to break down § 87(2)(b) door. § 87(2)(g)

Allegation (I) Abuse of Authority: Sergeant Kimberley Bove searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) testified that after § 87(2)(b) belongings were returned to him, PO Bessen called a supervisor to her apartment. Sergeant Bove arrived on scene and asked § 87(2)(b) about the care and living conditions of § 87(2)(b) children. Sergeant Bove asked § 87(2)(b) if she had an open ACS case, about the cleanliness of § 87(2)(b) apartment, and about an abandoned crib. After this conversation, Sergeant Bove went to the apartment kitchen, whereupon she looked extensively in the kitchen area.

Sergeant Bove testified (BR 10) that upon entering the apartment and speaking with § 87(2)(b) PO Bessen, and PO Vallegonzalez, she made the following observations: there were no working lights in the apartment, there was no toilet paper or paper towels, there were no sheets on any of the beds, and there was no visible food in the kitchen. Sergeant Bove asked § 87(2)(b) if the children got enough food to eat, and § 87(2)(b) replied that she fed her children rice. Based on these observations, Sergeant Bove was concerned for the welfare of § 87(2)(b) children. As such, Sergeant Bove looked in § 87(2)(b) fridge to determine if there was enough food.

PO Bessen testified that after entering the apartment, there was not very much food in the kitchen, that there were irregular sleeping arrangements such as a lack of bedding and bare mattresses in the living space, there was no toilet paper or paper towels in the home, and there were no working lights in the home. Additionally, the home was very messy with markings on the wall.

PO Bessen made these observations known to Sergeant Bove upon her arrival. At the conclusion of the incident, Sergeant Bove instructed PO Bessen to make a referral to ACS in the form of a Suspected Child Abuse and Maltreatment (SCAM) report. PO Bessen generated the SCAM report and sent the referral to ACS.

At 13:50 on the player timestamp of Sergeant Bove's BWC footage (BR 11), Sergeant Bove is captured entering § 87(2)(b) kitchen. Sergeant Bove asks § 87(2)(b) "You stay here? Where's the refrigerator?" § 87(2)(b) directs Sergeant Bove to a mini-fridge in the corner of the room. Sergeant Bove states, "Do you got food in the fridge?" At 14:01, Sergeant Bove opens the fridge and freezer doors and shines her flashlight inside. At no point on Sergeant Bove's BWC is she captured searching any other closed areas in the apartment.

In People v. Doll 21 N.Y.3d 66 (BR 12) the court established that officers have a right to warrantless entry if circumstances are deemed an emergency. The 'emergency doctrine' consists of a three prong test: (1) the police must have reasonable grounds to believe there is an emergency at hand and an immediate need for their assistance for the protection of life or property and this belief must be grounded in empirical facts; (2) the search must not be primarily motivated by an intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched.

Sergeant Bove testified that she searched inside § 87(2)(b) fridge because of a concern for the welfare of § 87(2)(b) children. Specifically, Sergeant Bove was worried that § 87(2)(b) did not have enough food for her children. Sergeant Bove and PO Bessen were consistent that a SCAM report was generated and sent to ACS. PO Bessen testified that that the basis of the SCAM report was a lack of food inside § 87(2)(b) apartment, as well as the absence of toiletries and working lights. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Abuse of Authority: Sergeant Kimberley Bove failed to provide § 87(2)(b) with a business card.

Allegation (K) Abuse of Authority: Police Officer Matthew Bessen failed to provide § 87(2)(b) with a business card.

Allegation (L) Abuse of Authority: Police Officer Alfredo Vallegonzalez failed to provide § 87(2)(b) with a business card.

§ 87(2)(g)

It is undisputed that Sergeant Bove searched § 87(2)(b) refrigerator, and that § 87(2)(b) was not arrested or issued any summonses at the conclusion of the incident.

PO Bessen, PO Vallegonzalez, and Sergeant Bove testified they did not offer § 87(2)(b) a business card because the situation did not require officers to proactively provide a business card.

Administrative Code 14-174 (BR 13) states that members of service are required to offer a business card to individuals at the conclusion of any home search that does not result in an arrest or summons.

As members of service are required to offer individuals a business card at the conclusion of any home search that does not result in an arrest or summons, and as PO Bessen, PO Vallegonzalez, and Sergeant Bove searched § 87(2)(b) home and did not arrest her or issue her a summons, and none of the three officers offered her a business card. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 15).
- § 87(2)(b)
- PO Bessen has been a member of service for three and has been a subject in nine CCRB complaints and 22 allegations, none of which were substantiated. § 87(2)(g)
- PO Vallegonzalez has been a member of service for four years and has been named a subject in three CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)
- Sergeant Bove has been a member of service for 20 and has been a subject in eight CCRB complaints and 18 allegations, of which two were substantiated:
 - 201904510 involved substantiated allegations of entry of premises and search of premises against Sergeant Bove. The Board recommended Command Level Instructions and the NYPD imposed Formalized Training.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of February 2nd, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 16).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 14

Investigator: C.V. Inv. Carlo Vescovi 02/28/2023
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 02/28/2023
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date